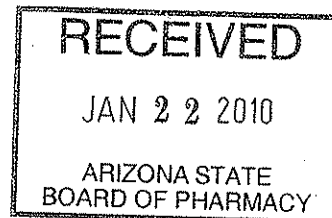


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8  
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **MARTIN BARON**

12 Holder of License No. S003388  
For the Practice of Pharmacy  
13 In the State of Arizona

Board Case No. 10-0044-PHR

**CONSENT AGREEMENT  
AND ORDER FOR SURRENDER**

14  
15 In the interest of a prompt and judicious settlement of this case, consistent with the  
16 public interest, statutory requirements and the responsibilities of the Arizona State Board  
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Martin Baron ("Respondent"),  
18 holder of Pharmacist License Number S003388 in the State of Arizona, and the Board  
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order  
20 ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
25  
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1           2.     Respondent understands that he has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing he could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against him.

11          5.     Respondent understands this Consent Agreement deals with Board  
12 Complaint No. 3734 involving allegations of unprofessional conduct against Respondent.  
13 The investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, he may not  
25 revoke his acceptance of the Consent Agreement or make any modifications to the  
26

1 document regardless of whether the Consent Agreement has been signed by the  
2 Executive Director. Any modification to this original document is ineffective and void  
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is  
5 effective only when accepted by the Board and signed by the Executive Director. In the  
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
8 any party, except that the parties agree that should the Board reject this Consent  
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
10 Board was prejudiced by its review and discussion of this document or any records  
11 relating thereto.

12 10. If a court of competent jurisdiction rules that any part of this Consent  
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
14 shall remain in full force and effect.

15 11. Respondent understands that this Consent Agreement is a public record that  
16 may be publicly disseminated as a formal action of the Board and may be reported as  
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
18 Protection Data Bank.

19 12. Respondent agrees that the Board will adopt the following Findings of Fact,  
20 Conclusions of Law and Order.

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1 ACCEPTED AND AGREED BY RESPONDENT

2   
3 Martin Baron

Dated: 1/15/10

4 Subscribed and sworn to before me in the County of Cuyahoga, State of Ohio,  
5 this 15<sup>th</sup> day of January, 2010, by Martin Baron.

6   
7 NOTARY PUBLIC

WILLIAM J. WILSON NOTARY PUBLIC  
In and For the State of Ohio  
My Commission Expires Dec 11, 2011

8 My Commission expires: \_\_\_\_\_

9 FINDINGS OF FACT

10 1. On September 9, 2009, agents of the Ohio Board of Pharmacy observed  
11 Respondent practicing pharmacy while mentally impaired. Respondent's actions were  
12 slow, he appeared disheveled, and he was unable to tell the Ohio Board of Pharmacy  
13 agents the day, date, month, year, or season.

14 2. When given a Mini-Mental Status (state) Examination, Respondent scored  
15 13 of 30. Normal scores are 24 or above.

16 CONCLUSIONS OF LAW

17 1. The Board possesses jurisdiction over the subject matter and over  
18 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

19 2. The Board may discipline a pharmacist who is mentally incapacitated to  
20 such a degree as to render the licensee unfit to practice the profession of pharmacy.  
21 A.R.S. § 32-1927(A)(3). The conduct described in the Findings of Fact demonstrates that  
22 Respondent is incapacitated to such a degree as to render him unfit to practice the  
23 profession of pharmacy.

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(Seal)

ARIZONA STATE BOARD OF PHARMACY

Ch W I

HAL WAND, R.Ph.  
Executive Director

1 ORIGINAL OF THE FOREGOING FILED  
this 22 day of MARCH, 2009, with:

2 Arizona State Board of Pharmacy  
3 1700 West Washington, Suite 250  
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED  
BY FIRST-CLASS and CERTIFIED MAIL  
this 22 day of MARCH, 2009, to:

6 Martin Baron  
7 2430 Claver Road  
8 University Heights, Ohio 44118

9 EXECUTED COPY OF THE FOREGOING MAILED  
this 22 day of MARCH, 2009, to:

10 Elizabeth A. Campbell  
11 Assistant Attorney General  
12 1275 W. Washington Street, CIV/LES  
13 Phoenix, Arizona 85007  
14 Attorney for the Board

15   
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